

## **REMARKS / ARGUMENTS**

### **I. General Remarks and Disposition of the Claims**

Claims 62-88 are pending. Claims 62 and 72 are amended herein. Claims 82-88 have been cancelled. All the above amendments are made in a good faith effort to place these claims in condition for allowance. Applicants reserve their right to take up prosecution on the claims as originally filed in this or an appropriate continuation, continuation-in-part, or divisional application.

### **III. Rejections of Claims Under 35 U.S.C. § 103(a)**

Claims 62-88 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over WO 00/57022 issued to Harris, *et al.* (hereinafter "*Harris*") in view of *Harada*, Methods in Carbohydrate Chemistry (hereinafter "*Harada*") or *Dumitriu*, Polysaccharides in Medicinal Applications (hereinafter "*Dumitriu*"); or *York*, Proc. Natl. Acad. Sci. USA, 1998, 95:4912-4917 (hereinafter "*York*") and further in view of U.S. Application No 2001/0036905 issued to Parlar *et al.* (hereinafter "*Parlar*"), U.S. Patent No. 5,247,995 issued to Tjon-Joe-Pin *et al.* (hereinafter "*Tjon-Joe-Pin*"), and U.S. Patent No. 5,555,937 issued to Fisk, Jr. *et al.* (hereinafter "*Fisk*") (Office Action at pages 2-3). More specifically, the Examiner stated:

Harris et al discloses a method of dissolving material within an underground reservoir wherein a treatment fluid comprising a polymer breaker is introduced into the reservoir (claim 1). The polymer breaker may be an enzyme which can hydrolyze succinoglycan (claim 14). This type of polymer breaker is used to "reduce the viscosity of polysaccharide thickened compositions or to disrupt filter cakes" (page 8, lines 11-19). Polysaccharide thickened compositions are considered to be "viscosified treatment fluid." Thus the following can occur: (a) the viscosity of the "viscosified treatment fluid is reduced while the filter cake is not disrupted (limitation of instant claim 62), (b) the viscosity of the "viscosified treatment fluid" is maintained while the filter cake is disrupted (limitation of instant claim 72), and (c) the viscosity of the "viscosified treatment fluid" is reduced while the filter cake is disrupted (limitation of instant claim 82). Note also that the polysaccharide thickened composition can be considered a fracturing fluid (page 1, lines 8-11). Thus, Harris et al. teaches limitations of instant claims 62, 65 (liquid), 66 (purified), 72, 75 (liquid), 76 (purified), 82, 84 (liquid), and 85 (purified).

(Office Action at page 3.)

Applicants respectfully disagree because none of these references, separately or in combination, teach or suggest all of the limitations recited in claims 62-81 as required to form a *prima facie* case of obviousness under 35 U.S.C. § 103(a). MPEP § 2142, 2143.

In particular, Applicants' independent claim 62 recites a limitation wherein the viscosity of a viscosified treatment fluid is reduced, but the filter cake is not degraded. Similarly, independent claim 72 recites a limitation wherein the filter cake is allowed to degrade, but the viscosity of the viscosified treatment fluid is not reduced. *Harris* does not teach this selectivity, wherein either the filter cake is allowed to degrade or the viscosity of the viscosified treatment fluid is reduced. *Harris* discloses a treatment fluid that comprises *both* an ester and a polymer breaker, so that the ester will hydrolyze and produce an organic acid that will dissolve the filter cake and the polymer breaker, which may comprise an enzyme, will reduce the viscosity of polysaccharide thickened compositions and/or also disrupt the filter cake. Therefore, *Harris* does not teach a method wherein either a filter cake is degraded or the viscosity of a fluid is reduced, but not both. Rather, *Harris* teaches a method of dissolving acid soluble material and also degrading polymeric material using a polymer breaker in a single treatment fluid. (*Harris*, page 15, lines 3-9).

Nor can *Harada*, *Dumitriu*, *York*, *Parlar*, *Tjon-Joe-Pin*, or *Fisk* be used to supply these missing recitations. None of these references disclose or suggest all the limitations of claims 62-81. For at least the foregoing reasons, *Harris* alone, or in combination with *Harada*, *Dumitriu*, *York*, *Parlar*, *Tjon-Joe-Pin*, or *Fisk* does not render claims 62-88 of the present application obvious. Accordingly, the Applicants respectfully request withdrawal of this rejection with respect to claims 62-88, and further request the timely issuance of a Notice of Allowance for these claims.

#### **IV. No Waiver**

All of Applicants' arguments and amendments are without prejudice or disclaimer. Additionally, Applicants have merely discussed example distinctions from the cited references. Other distinctions may exist, and Applicants reserve the right to discuss these additional distinctions in a later Response or on Appeal, if appropriate. By not responding to additional statements made by the Examiner, Applicants do not acquiesce to the Examiner's additional statements, such as, for example, any statements relating to what would be obvious to

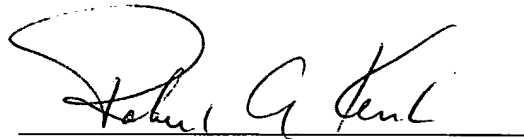
a person of ordinary skill in the art. The example distinction discussed by Applicant is sufficient to overcome the anticipation and obviousness rejections.

**SUMMARY**

In light of the above remarks, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections. Applicants further submit that the application is now in condition for allowance, and earnestly solicit timely notice of the same. Should the Examiner have any questions, comments or suggestions in furtherance of the prosecution of this application, the Examiner is invited to contact the attorney of record by telephone, facsimile, or electronic mail.

Applicants believe that there are no fees due in association with this filing of this Response. However, should the Commissioner deem that any additional fees are due, including any fees for extensions of time, Applicants respectfully request that the Commissioner accept this as a Petition Therefor, and direct that any additional fees be charged to the Deposit Account of Halliburton Energy Services, Inc., No. 08-0300.

Respectfully submitted,



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